UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

Response to Arguments

1.   Applicant's arguments filed 5/7/08 have been fully considered but they are not persuasive.

2.   Regarding the rejection on claim 1 by Teruhi, Moy or RFC 2676, the main point of Applicant's arguments is that the limitation "wherein the first time has been updated with a previous time taken for a previous data packet to travel to a previous destination indicated by the previous data packet" is not disclosed by Teruhi, Moy or RFC 2676 (page 2-5).

In response, Examiner interprets claim 1 as a method of maintaining a shortest path in terms of time traveling from a set of node to a single destination, as indicated in the Final Office Action. Teruhi discloses recording the travel time from any node to a destination, Moy or RFC 2676 teaches finding a shortest path in term of time among the source nodes and the destination node. When a packet taught by Teruhi travels from any source node along the shortest path as taught by Moy and RFC 2676, a traveling time is recorded as taught by Teruhi, which is compared with the shortest time, and the shortest time is updated if the new traveling time (second time) is short than the shortest time. In this way, with the combination of Teruhi, Moy and RFC 2676 the shortest time from the set of source nodes to the given destination is always maintained ("each router maintains an **updated** network topology, including ... propagation delay", Section 2.2, 1st paragraph; where propagation delay is the traveling time). Notice that in Examiner's view, the limitation "a previous destination indicated by the previous data packet" is interpreted as the same destination node that the previous packet travels to.

3.   Regarding the rejection on claim 1 by CARO and RFC 2676 (page 6-8),

Applicant argues

a) "Caro only discloses selecting a neighbor based on probabilistic values stored

in the routing table. There is no disclosure in Caro that the probabilistic values are a

previous time taken for a previous data packet to travel to a previous destination

indicated by the previous data packet, as featured in Claim 1" (page 6).

b) "a combination of the two references conflicts with the teaching of at least one

of the references, and violates at least one principle of operation of the references"

(page 7).

In response, Examiner disagrees Applicant's assertion.

a) The travel time of a packet is a value stored in the routing table, as taught by

RFC 2676 ("each router maintains an updated network topology, including ...

propagation delay", Section 2.2, 1st paragraph; where propagation delay is the travel

time), therefore, Caro teaching applies to it.

b) Caro's teaching is used to estimate the routing parameters of a routing table,

while RFC 2676 is used to make decision of shortest path based on routing table in the

Office Action. There is no confliction between them because they are used for different

purposes and are independent to each.

/Jianye Wu/

Examiner, Art Unit 2616